

# Notice of Allowability

Application No.

09/726,368

Examiner

Rob Rhode

Applicant(s)

GAGNON ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Appeal Brief of 5/24/05.
2. ☒ The allowed claim(s) is/are 1 - 5, 8 - 20, 23 - 35 and 38 - 48.
3. ☒ The drawings filed on 29 November 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_



## **DETAILED ACTION**

### ***Response to Amendment***

Response, Appeal Brief, received on 5/24/2005 is acknowledges and entered.

Currently, claims 1 – 5, 8 – 20, 23 – 35 and 38 - 48 have been examined. Claims 6 – 7, 21 – 22, 36 – 37 and 49 – 52 have been canceled.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Feldmar on July 14, 2005.

The application has been amended as follows:

### In the Claims

Claims 1, 16 and 31 have been rewritten as follows:

1. A method of initializing a subscription television service comprising.
  - (a) receiving, from a user, an initiation of a purchase in a receiver connected to a presentation device;
  - (b) in response to the receiving, activating software, in the receiver, the software causing the receiver to display, on the presentation device, a purchase screen for selecting one of a plurality of services and having at least one field, wherein the receiver is further configured to:
    - (i) receive broadcast signals through an input mechanism; and
    - (ii) enable the presentation device: to display the broadcast signals;
  - (c) receiving, from the user, purchase information for a purchase, in the at least one field into the receiver, wherein the purchase information identifies an initial selection of one of the plurality of an initial television subscription service for an initial activation of the receiver and an initial television programming package for the receiver;
  - (d) establishing a secure electronic connection, using a communication mechanism of the receiver that is different from the input mechanism that is used to receive broadcast signals, with a vendor;
  - (e) electronically transmitting the purchase information from the receiver through the electronically secure electronic connection to the vendor,
  - (f) receiving a confirmation number from the vendor into the receiver, wherein the

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transmitting the purchase information from the receiver through the confirmation number confirms that the purchase has been allowed by the vendor;

(g) receiving, in the receiver, authorization for the initial activation of the subscription television service for the initial activation of the receiver and initial television programming package;

and

(h) using the received authorization, activating and configuring the receiver to allow the display of the initial subscription television services.

16. A system for initializing a subscription television service comprising a receiver configured having a computer readable medium having embodied thereon instructions for performing the steps to:

receive broadcast signals through as input mechanism;

enable a presentation device connected to the receiver to display the broadcast signals;

receive, from a user, an initiation of a purchase;

in response to the initiation of the purchase, activate software that causes the receiver to display, on the presentation device, a purchase screen for selecting one of a plurality of services and having at least one field,

receive, from the user, purchase information for a purchase, in the at least one field, wherein the purchase information identifies from a plurality of TV subscription

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services an initial television subscription service for an initial activation of the receiver and an initial television programming package for the receiver;

establish a secure electronic connection, using a communication mechanism that is different from the input mechanism that is used to receive broadcast signals, with a vendor;

electronically transmit the purchase information through the secure electronic connection to the vendor,

receive a confirmation number from the vendor, wherein the confirmation number confirms that the purchase has been allowed by the vendor;

receive authorization for the initial activation of the subscription television service for the initial activation of the receiver and the initial television programming package; and use the received authorization to activate and configure the receiver to allow the display of the initial subscription television services.

31. An article of manufacture for initializing a subscription television service comprising.

means for a receiver connected to a presentation device to receive broadcast signals through an input mechanism;

means for the receiver to enable the presentation device to display the broadcast

means for the receiver to receive, from a user, as initiation of a purchase;

means for the receiver, in response to the initiation of the purchase, activate software in the receiver, wherein the software causes the receiver to display, on the

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presentation device, a purchase screen for selecting one of a plurality of services and  
having at least one field;

means for the receiver to receive, from the user, purchase information for a  
purchase in the one or more fields, wherein the purchase information identifies from a  
plurality of subscription services an initial television subscription service for an initial  
activation of the receiver and an initial television program package for the receiver;

means for the receiver to establish a secure electronic connection, using a  
communication mechanism that is different from the input mechanism that is used to  
receive broadcast signals, with a vendor,

means for the receiver to electronically transmit the purchase information through  
the secure electronic connection to the vendor;

means for the receiver to receive a confirmation number from the vendor,  
wherein the confirmation number confirms that the purchase has been allowed by the  
vendor;

means for receiving, in the receiver, authorization for the initial activation of the  
subscription television service for the initial activation of the receiver and the initial  
television programming package; and

means for using the received authorization to activate and configure the receiver  
to allow the display of the initial subscription television services.

### **Reasons for Allowance**

The invention claimed in the independent claims are distinguished from prior art of record, which contains no teachings or suggestions that would have motivated one of ordinary skill in the art to modify the method and system disclosed by Ellis with the method and system of Nel and Chatterjee to have enabled a method and system for the subject matter recited in independent claims 1, 16 and 31. To begin with, Ellis discloses a method, medium and system for electronic program schedule with product ordering capability and that an existing subscription service. Moreover, Ellis discloses a method, medium and system in a receive/set top for selecting a product or service through an existing TV subscription service such as cable. Ellis discloses viewing and selecting of a desired product or service from an existing service but does not disclose or would have suggested to one of ordinary skill a method and medium to receive, from the user, purchase information for a purchase, in the at least one field, wherein the purchase information identifies from a plurality of TV subscription services an initial television subscription service for an initial activation of the receiver and an initial television programming package for the receiver; receiving, in the receiver, authorization for the initial activation of the subscription television service for the initial activation of the receiver and initial television programming package; and using the received authorization, activating and configuring the receiver to allow the display of the subscription television services. Nel on the other hand discloses a method, medium and system for an interactive data exchange as part of a financial transaction such as purchasing a product and also discloses a satellite network for receiving the existing

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subscription service through which products are purchased. In turn, Chatterjee discloses a method and system for activating a mobile phone. The method and system includes an over the air activation of the phone in response to receiving registration information. However, Ellis does not teach or would have suggested to one of ordinary skill in combination with Nel and Chatterjee a method and system to receive, from the user, purchase information for a purchase, in the at least one field, wherein the purchase information identifies from a plurality of TV subscription services an initial television subscription service for an initial activation of the receiver and an initial television programming package for the receiver; receiving, in the receiver, authorization for the initial activation of the subscription television service for the initial activation of the receiver and initial television programming package; and using the received authorization, activating and configuring the receiver to allow the display of the subscription television services.. In that regard, the combined teachings of Ellis, Nel and Chatterjee do not teach or suggest to one of ordinary skill that the differences between the subject matter recited in independent claims 1, 16 and 31 and the prior art are such that the subject matter as whole would have been obvious at the time the invention was made to a person having ordinary skill in the art. Therefore, the invention claimed in independent claims 1, 16 and 31 are distinguished from prior art of record by the fact that a method, medium and system of initializing a subscription television service comprising; **receiving, from the user, purchase information for a purchase, in the at least one field into the receiver, wherein the purchase information identifies an initial selection of one of the plurality of an initial television subscription service**



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**for an initial activation of the receiver and an initial television programming package for the receiver; receiving, in the receiver, authorization for the initial activation of the subscription television service for the initial activation of the receiver and initial television programming package; and using the received authorization, activating and configuring the receiver to allow the display of the initial subscription television services.**

Discussion of the most relevant prior art, which does not fully disclose nor render obvious the invention as stated in claims 1, 16 and 31:

**A. US Patents and PG-Pubs.**

(i) US 6,275,268 B1 to Ellis discloses a method, medium and system for an electronic program schedule with product ordering capability. In addition, Ellis discloses a method, medium and system in a receiver for selecting a product or service through an existing TV subscription service such as cable. However, Ellis does not disclose or teach or suggest to one of ordinary skill a method, medium and system for initializing a subscription television service comprising; receiving, from the user, purchase information for a purchase, in the at least one field into the receiver, wherein the purchase information identifies an initial selection of one of the plurality of an initial television subscription service for an initial activation of the receiver and an initial

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television programming package for the receiver; receiving, in the receiver authorization for the initial activation of the subscription television service for the initial activation of the receiver and initial television programming package; and using the received authorization, activating and configuring the receiver to allow the display of the initial subscription television services. Thereby, this online method, medium and system disclosed by Ellis fails to anticipate the above bolded unique limitations or render them obvious.

(ii) US 6,363,364 B1 to Nel discloses a method and system for an interactive data exchange as part of a financial transaction such as purchasing a product and also discloses a satellite network for receiving the existing subscription service through which products are purchased. In addition a telephone network is connected to the network for transmitting the requested data as well as displaying the response data. However, Nel does not disclose or teach or suggest to one of ordinary skill a method, medium and system for initializing a subscription television service comprising; receiving, from the user, purchase information for a purchase, in the at least one field into the receiver, wherein the purchase information identifies an initial selection of one of the plurality of an initial television subscription service for an initial activation of the receiver and an initial television programming package for the receiver; receiving, in the receiver, authorization for the initial activation of the subscription television service for the initial activation of the receiver and initial television programming package;

and using the received authorization, activating and configuring the receiver to allow the display of the initial subscription television services. Thereby, this online method, medium and system disclosed by Nel fails to anticipate the above bolded unique limitations or render them obvious.

### **B. Non Patent Literature**

(iii) "Comcast drops guide from 11 N.J. systems"; Anonymous; Multichannel News; New York; Oct. 30, 2000 (hereafter referred to as "Comcast") discloses and teaches a online program guides in association with an existing cable service such as Comcast. However, Comcast does not disclose or teach or suggest to one of ordinary skill a method, medium and system for initializing a subscription television service comprising; receiving, from the user, purchase information for a purchase, in the at least one field into the receiver, wherein the purchase information identifies an initial selection of one of the plurality of an initial television subscription service for an initial activation of the receiver and an initial television programming package for the receiver; receiving, in the receiver, authorization for the initial activation of the subscription television service for the initial activation of the receiver and initial television programming package; and using the received authorization, activating and configuring the receiver to allow the display of the initial subscription television services. Thereby, this online method, medium and system disclosed by Comcast fails to anticipate the above bolded unique limitations or render them obvious.

### **C. Foreign Patent Literature**

(iv) EP 0820206 A2 to Chatterjee discloses a method and system for activating a mobile phone. The method and system includes an over the air activation of the phone in response to receiving registration information. However, Chatterjee does not disclose or teach or suggest to one of ordinary skill a method, medium and system for initializing a subscription television service comprising; receiving, from the user, purchase information for a purchase, in the at least one field into the receiver, wherein the purchase information identifies an initial selection of one of the plurality of an initial television subscription service for an initial activation of the receiver and an initial television programming package for the receiver; receiving, in the receiver, authorization for the initial activation of the subscription television service for the initial activation of the receiver and initial television programming package; and using the received authorization, activating and configuring the receiver to allow the display of the initial subscription television services. Thereby, this online method, medium and system disclosed by Chatterjee fails to anticipate the above bolded unique limitations or render them obvious.

### **Conclusion**

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rob Rhode whose telephone number is 571.272.6761. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571.272.7159.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

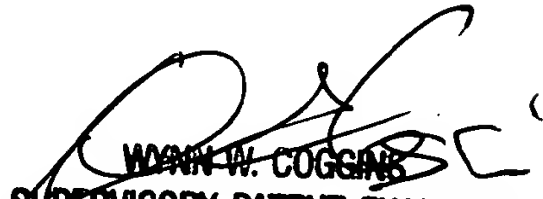
or faxed to:

**571-273-8300**

[Official communications; including  
After Final communications labeled  
"Box AF"]

(703) 746-7418 [Informal/Draft communications, labeled  
"PROPOSED" or "DRAFT"]

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